

HOUSE BILL No. 1365

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4-10.

Synopsis: Marijuana penalties. Provides that a person who possesses at least five pounds of marijuana, or at least 150 grams of hash oil, hashish, or salvia, may be convicted of possession with intent to deliver even if the only evidence of intent is the amount of the drug involved.

Effective: July 1, 2015.

Steuerwald

January 14, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1365

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,
2 SECTION 100, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person who:
4 (1) knowingly or intentionally:
5 (A) manufactures;
6 (B) finances the manufacture of;
7 (C) delivers; or
8 (D) finances the delivery of;
9 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
10 (2) possesses, with intent to:
11 (A) manufacture;
12 (B) finance the manufacture of;
13 (C) deliver; or
14 (D) finance the delivery of;
15 marijuana, hash oil, hashish, or salvia, pure or adulterated;



commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) **Unless the amount of the drug involved is at least five (5) pounds of marijuana, or one hundred fifty (150) grams of hash oil, hashish, or salvia,** a person may be convicted of an offense under subsection (a)(2) only if there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug.

(c) The offense is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense and the amount of the drug involved is:

(A) less than thirty (30) grams of marijuana; or

(B) less than five (5) grams of hash oil, hashish, or salvia; or

(2) the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.

(d) The offense is a Level 5 felony if:

(1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or

(B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; or

(2) the:

(A) amount of the drug involved is:

(i) at least ten (10) pounds of marijuana; or

(ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or

(B) offense involved a sale to a minor.

